

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

AGENDA FOR REGULAR CITY COUNCIL MEETING

September 18, 2007
Council Chambers, City Hall
8:30 a.m.

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

8:30 a.m.: Roll call and Executive Session*
9:00 a.m.: Invocation and Pledge of Allegiance
9:00 a.m.: Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

Invocation – Police and Fire Chaplain Sam Faraone
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

- 1. BUILDING ON FAITH WEEK**
- 2. CANDLELIGHTERS WALK OF HOPE DAY**

RECOGNITION

PAUL FOSTER

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of September 11, 2007.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the prohibition against landing aircraft within the City limits except upon a regularly established airfield or landing place contained in Section 14.12.080 of the El Paso City Code is hereby waived to permit the El Paso Branch of the United States Customs and Border Protection to land a UH1-H Huey Helicopter on the El Paso County Coliseum parking lot in connection with the Women in Law Enforcement Recruitment Day activities to be held on September 22, 2007.
(District 8) [Airport, Patrick Abeln, (915) 780-4724]

3B. That the City Manager be authorized to sign a General Aviation Commercial Lease by and between the City of El Paso ("Lessor") and Ameristar Jet Charter, Inc. ("Lessee") with an effective date of September 1, 2007, for the following described property: All of Lot 2A, Block 4, El Paso International Airport Tract Unit 10, consisting of approximately 76,888 square feet and all of Lot 2B, Block 4, El Paso International Airport Tract Unit 10, consisting of approximately 72,027 square feet, for a total of approximately 148,915 square feet of real property, including 14,481 square feet of improvements, City of El Paso, El Paso County, Texas, municipally known and numbered as 1820 American Drive, El Paso, Texas. **(District 3)** [Airport, Patrick Abeln, (915) 780-4724]

3C. That the City Manager be authorized to sign the grant application, including all understandings and assurances contained therein, and apply for, accept, reject, alter, or terminate the grant in the amount of \$175,000 from the Department of Justice CCDO FY 08 Weed and Seed Communities Competitive Program for the purpose of implementing focused law enforcement, community policing, social services, and neighborhood restoration efforts in the Chamizal Neighborhood; that the City Manager be authorized to sign any related paperwork, including authorize budget transfers and submit any necessary revisions to the operational plan; and that the City Manager be authorized to execute on behalf of the City of

El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease, or de-obligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. The grant is in the amount of \$175,000, with an in-kind local match of \$64,326.83 and \$10,000 in CDBG funds for a total of \$249,326.83.
(Districts 3 and 8)

[Community & Human Development, Mark Weber, (915) 541-4932]

4. SPECIAL APPOINTMENT:

Appointment of Cynthia Osborne as Assistant City Attorney effective September 18, 2007.
(All Districts) [City Attorney's Office, Charlie McNabb, (915) 541-4550]

5. BOARD APPOINTMENTS:

5A. Rebecca Vasquez to the City Accessibility Advisory Committee by Representative Rachel Quintana, District 5.
[Representative Rachel Quintana, (915) 541-4701]

5B. Joseph Frandina to the Greater El Paso Civic, Convention, and Tourism Advisory Board by Representative Susie Byrd, District 2.
[Representative Susie Byrd, (915) 541-4416]

5C. Han C. Park to the Empowerment Zone Advisory Board, serving as for-profit business owner, by Representative Melina Castro, District 4.
[Representative Melina Castro, (915) 541-4400]

6. APPLICATIONS FOR TAX REFUND:

That the tax refunds listed on the attachment posted with this agenda be approved.
(See Attachment A) **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

7. BID:

The award of Solicitation No. 2007-205 (Thermoplastic Reflective Pavement Markings 2007-2008) to Double A Contracting, L.P., for an estimated total amount of \$492,965.

Department:	Street Department
Award to:	Double A Contracting, L.P.
	Odessa, Texas
Base Bid I:	\$492,965
Total Estimated Award:	\$492,965
Account No.	PCP06ST019 – 99331117 – 27263 - 508027
Funding Source:	2006 Certificates of Obligation
Districts:	All

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the Director of Street Department may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, which are in accordance with applicable law, and which do not make changes to the unit price and which are within the appropriate budget.

This is a Requirements type, low bid, unit-price contract.

The Departments of Financial Services and Street recommend award as indicated to the lowest responsive, responsible bidder.

[Development Services/Engineering, R. Alan Shubert, (915) 541-4423]

REGULAR AGENDA - INTRODUCTIONS

8. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

8A. An Ordinance amending the effective date of Ordinance No. 016659 which amended Title 5 (Business Taxes, Licenses and Regulations) by adding Chapter 5.30 (Flea Market Operator Permit), Chapter 5.34 (Home Occupation License) and Chapter 5.94 (Sign Permit Fees, Licenses and Bonds) to the El Paso City Code. The penalty as being provided in Section 5.30 (11), Section 5.34G and Section 5.94B(11) of the El Paso City Code. **(All Districts)**
[Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

8B. An Ordinance amending the effective date of Ordinance No. 016654 which amended Title 18 (Building and Construction) of the El Paso City Code by adding a new Chapter 18.46 (Landscape) to the El Paso City Code. The penalty as being provided in Section 18.46.180 of the El Paso City Code. **(All Districts)**
[Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

8C. An Ordinance of the City of El Paso, Texas, establishing a policy regarding sale and use tax rebates within the area covered by the Downtown 2015 Plan. **(District 8)** [Economic Development, Kathryn B. Dodson, (915) 541-4760]

8D. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in real property located at 410 Charles Road, as more particularly described in the Ordinance to the City of El Paso, in accordance with Section 34.05 (h) of the Tax Code. **(District 8)**
[Tax Office, Carmen I. Perez, (915) 545-5481]

8E. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in real property located at the 400 Block of Charles Road, as more particularly described in the Ordinance to the City of El Paso, in accordance with Section 34.05 (h) of the Tax Code. **(District 8)** [Tax Office, Carmen I. Perez, (915) 545-5481]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 25, 2007, FOR ITEMS 8A – 8E

- 8F.** An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Section 15, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial); Parcel 2: a portion of Section 10, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial); Parcel 3: a portion of Sections 10, 11, and 15, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to P-R1 (Planned Residential District 1)); Parcel 4: a portion of Section 11, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to A-2 (Apartment); Parcel 5: a portion of Sections 2 and 11, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial) ; Parcel 6: a portion of Section 10, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial); and, Parcel 7: a portion of Section 10, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to A-2 (Apartment) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: south of Stan Robert Sr. Avenue and west of Dyer Street. Applicants: Ranchos Real IV, LTD and Direct Home Sales, Inc. ZON07-00003 **(District 4)** [Development Services/Planning, Melissa Granado, (915) 541-4730]

PUBLIC HEARING WILL BE HELD ON OCTOBER 9, 2007, FOR ITEMS 8F

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8:00 a.m. to 5:00 p.m.

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

9. ENGINEERING:

- 9A.** Council Ratification of the Storm 2006 Construction Contracts listed below. Such contracts were entered into by the City Manager under authority granted by Council in the September 19, 2006, Resolution.

Storm 2006 Infrastructure Repair/Reconstruction Progress Update
September 18, 2007.

Construction

Paragon Santa Fe Channel Drainage Improvements, Solicitation Number 2007-229, awarded to C.F. Jordan L.P. in the estimated amount of \$1,783,383.

Westside Flood Damage Improvements Phase 2, Solicitation Number 2007-231, awarded to C&C Road Construction, Inc., in the estimated amount of \$5,799,149.60.

Ojo de Agua Channel Drainage Improvements, Solicitation Number 2007-233, awarded to C&C Road Construction, Inc., in the estimated amount of \$1,842,068.

The above construction contracts are unit priced contracts and as such work under the unit priced contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of these contracts will be the sum total of the unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design which are in accordance with applicable law and which do not make changes to the unit price and which are within the appropriate budget.

[Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

- 9B.** Discussion and action on a Resolution authorizing the City Manager to sign a Professional Services Agreement between the City of El Paso and Moreno Cardenas, Inc. to perform professional services for a project known as "Civil Engineering Consulting Services" in an amount not to exceed \$750,000. **(All Districts)** [Engineering, Javier Reyes, (915) 541-4630]
- 9C.** Discussion and action on a Resolution authorizing the City Manager to sign a Professional Services Agreement by and between the City of El Paso and Parkhill, Smith & Cooper, Inc., a Texas Corporation, for Mechanical Engineering Consulting Services in an amount not to exceed \$500,000. **(All Districts)** [Engineering, Javier Reyes, (915) 541-4630]
- 9D.** Discussion and action on a Resolution authorizing the City Manager to sign a Professional Service Agreement by and between the City of El Paso and Parkhill, Smith & Cooper, Inc., a Texas Corporation, for Electrical Engineering Consulting Services in an amount not to exceed \$500,000. **(All Districts)** [Engineering, Javier Reyes, (915) 541-4630]

REGULAR AGENDA – PUBLIC HEARINGS

10. PUBLIC HEARINGS – ENGINEERING:

- 10A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at all Times on Certain Streets) of the El Paso City Code to add a new location on the east side of the alley from the 900 block of San Antonio E. Avenue to the 900 block of Overland E. Avenue between Saint Vrain Street and Virginia Street. The penalty being as provided in Section 12.84.010 of the El Paso City Code. **(District 8)** [Engineering Department/Traffic Division, Ted Marquez, (915) 541-4035]
- 10B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing – Tow-Away Zone), of the El Paso City Code to add a new location of Calleros Court and Chihuahua Street east side from Calleros Court to its terminus and west side from a point 60-feet south of Calleros Court to its terminus. The penalty being as provided in Section 12.85.110 (Violation - Penalty) of the El Paso City Code; and amending

Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III, Parking Prohibited at all Times on Certain Streets) of the El Paso City Code to delete Paragraph 341. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 8)**
[Engineering Department/Traffic Division, Ted Marquez, (915) 541-4035]

REGULAR AGENDA – OTHER BUSINESS

11. DEVELOPMENT AND INFRASTRUCTURE SERVICES:

11A. Discussion and action on the creation of a separate zoning district for the regulation of mobile home subdivisions and mobile home parks within Chapter 20.06 (Zoning Districts & Map) of Title 20 (Zoning) as recommended by the Planning and Development Legislative Review Committee. **(All Districts)**
[Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

11B. Discussion and action on setting a uniform requirement for bicycle parking spaces for all uses within Chapter 20.14 (Off Street Parking & Loading Regulations) of Title 20 (Zoning) as recommended by the Planning and Development Legislative Review Committee. **(All Districts)**
[Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

12. EL PASO INTERNATIONAL AIRPORT:

Discussion and action on the appeal by Mr. Oliver Olivar of a denial of a taxi cab operating permit at El Paso International Airport. **(District 3)**
[Airport, Patrick T. Abeln, (915) 780-4724]

13. ENGINEERING:

Discussion and action on a Resolution that the City of El Paso supports voiding Minute Order No. 103924 for the purposes of removing Paseo Del Norte from the state highway system and making it a city street and having the City assume responsibility for the design and construction of the project. **(District 1)**
[Development Services/Engineering, R. Alan Shubert, (915) 541-4423]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** Discussion and action regarding strategies and options related to ASARCO litigation and the TCEQ permit process. (551.071) [City Attorney's Office, Raymond L. Telles, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>